

1 David W. Affeld, State Bar No. 123922  
Brian R. England, State Bar No. 211335  
2 Damion Robinson, State Bar No. 262573  
Affeld Grivakes LLP  
3 2049 Century Park East, Ste. 2460  
Los Angeles, CA 90067  
4 Telephone: (310) 979-8700

5 Attorneys for Plaintiff  
6 Michael Zeleny

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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 MICHAEL ZELANY,

12 Plaintiff,

13 vs.

14 GAVIN NEWSOM, *et al.*,

15 Defendants.  
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Case No. CV 17-7357 RGS

Assigned to:

The Honorable Richard G. Seeborg

**PLAINTIFF'S REQUEST FOR LEAVE  
TO FILE SUPPLEMENTAL BRIEF TO  
ADDRESS NEW AUTHORITY**

Action Filed: December 28, 2017

Trial Date: TBD  
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1 Plaintiff Michael Zeleny ("Plaintiff") hereby respectfully requests leave of Court to  
2 file a short, five-page supplemental memorandum of points and authorities in support of his Motion  
3 for Partial Summary Judgment Against California Attorney General Xavier Becerra (Dkt. No. 163)  
4 and his Motion for Partial Summary Judgment against the City of Menlo Park and Police Chief Dave  
5 Bertini (Dkt. No. 162).

6 On March 11, 2021, Plaintiff submitted a Statement of Recent Decision (Dkt. No.  
7 177) regarding the Ninth Circuit's decision in *U.S. v. Rundo*, No. 19-50189, 2021 WL 821938 (9th  
8 Cir. March 4, 2021). On March 25, 2021, Xavier Becerra submitted a Statement of Recent Decision  
9 (Dkt. No. 179) and the City of Menlo Park and Dave Bertini submitted a Statement of Recent  
10 Decision (Dkt. No. 178). Both of these notices related to the Ninth Circuit's decision in *Young v.*  
11 *State of Hawaii*, Case No. 12-17808, 2021 U.S. App. LEXIS 8571 (9th Cir., March 24, 2021).

12 As a result of the multiple Local Rule 7-3(d)(2) notices, Plaintiff respectfully requests  
13 leave to file a short, five-supplemental brief to address the relevance and applicability of these two  
14 recent decisions to the pending motions. Plaintiff attempted to obtain a stipulation allowing the  
15 parties to submit simultaneous supplemental briefs, but was unable to secure agreement, requiring  
16 Plaintiff to seek leave of Court.

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18 Dated: March 29, 2021

Respectfully submitted,

19 s/ Brian R. England

20 David W. Affeld

21 Brian R. England

22 Damion D. D. Robinson

23 Affeld Grivakes LLP

24 Attorneys for Plaintiff Michael Zeleny  
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PROOF OF SERVICE

I hereby certify that on March 29, 2021, I electronically filed the foregoing document using the Court's CM/ECF system. I am informed and believe that the CM/ECF system will send a notice of electronic filing to the interested parties.

s/ Gabrielle Bruckner  
Gabrielle Bruckner